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OFFICE OF PETITIONS

In re Application of	:
Christophe Lefevre	:
Application No. 09/836,158	: DECISION ON PETITION
Filed: April 17, 2001	: UNDER 37 CFR 1.28(c)
Attorney Docket No. KOB 18	:

This is a decision on the "Payment of Balance of Fees for Large Entity," filed October 26, 2004, which is being treated as a petition under 37 CFR 1.28(c).

The petition is dismissed.

Petitioner states that, during the prosecution of the application, certain fees were mistakenly paid in the small entity amount prior to conversion to small entity status. Accordingly, petitioner has submitted a \$220 fee deficiency for the two month extension of time filed on October 22, 2003 and a \$175 fee deficiency for the Notice of Appeal filed on November 3, 2003.

As the present application did not qualify for small entity status at the time of payment of the extension of time and notice of appeal fees at the time of their submission on November 3, 2003, and as there was no authorization in the file to charge the balance of the fees due, this application was held abandoned for failure to timely reply to the final Office action of May 22, 2003. Accordingly, the \$220 and \$175 fees submitted with the instant petition cannot be accepted under the provisions of 37 CFR 1.28(c).

Further correspondence with respect to this matter should be addressed as follows:

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Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

A handwritten signature in cursive script, reading "Frances Hicks".

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy